Sectt. II-29—27,004—25-11-26.

Development- **(1926) Department.**

K, SERIES.

G.O. No. 1208

DATED 19-8-1926.

[Despatch Abstract.]

L.C. Question
Kanuski rights in Warga lands

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Council Office,
19-1-26.

Starred Question.

Mr. D. Manjayya Heggade.

THE DEVELOPMENT DEPARTMENT.

1947. Will the hon. the Home Member be pleased to state

(a) whether it is a fact that the Government have recently issued an order denying the "kumki" right of the landholders over the lands adjoining their "warga" lands, if they happen to be within 100 yards of the reserve forests; and

(b) if so, the reasons for the Government Order?

T.N.G.

2

Secret

DH 16/2

O.H. No 459-I/26-2 Dr. 16-2-26.

The C.C. is furnished with a copy of h.c. 2. no. 1944 and he is requested to furnish information on the points raised in the question.

p/c

Cop
CR
16/2

Ref to OH and his reply dt 6/3.

16-2-26. DH
16.2.26

DISPATCHED
CR
17.2.26

To
The C.C. 7

MA
16.2.26

3

Dno: Dept.

Dfo613

OM No 45-9-I/26-3 Dt. 5-3-26.

Ref: ~~OM~~ OM No 45-9-I/26-2 Dt 16-2-26. L.C. Question No 1947. Kumaki right — Waraq lands.

2 Cys.

The C.C. is requested to state when a reply may be expected to the above reference.

3-3-26.

3.3.26.

DL. D
6 MAR 1926

To
The CC.

5

Dev 527 I
15 3 26

L.Dis. No. 1404/26.

Office of the Chief Conservator of Forests,
Chepauk, Madras, dated the 13th March 1926.

From

H. Tireman Esquire, C.I.E.,
Chief Conservator of Forests,

To

The Secretary to Government,
Development Department,

Sir,

Ref: Government Memo. No. 459-I/26-2 dated 16-2-26
Legislative Council Question No. 1947

-.-.-

I submit a copy of the District Forest Officer's report which furnishes information on the points raised in the question.

For Chief Conservator.

k.s.15.3.26.

Copy of the District Forest Officer's report
D.Dis.No.503/26-C-1 d/24th Feb.1926.

Kumaki right as defined in rule 7 A of the rules framed under section 26 of the Madras Forest Act V of 1882, has not been denied to the land holders of this District, even if the kumaki land happens to be within 100 yards of the Reserved Forests. It may be that the Legislative Council Member has misunderstood the "kumaki" right and thinks that it includes the right for the assignment (at will of the wargdar) of kumaki lands falling within 100 yards of reserved forests. In this connection, I beg to invite attention to B.S.O. No. 15 para 35 (ii) in which it is stated that land which has been unoccupied for 18 months and adjoins a reserved forest or an unreserved block of a square mile or more should not be granted until the Collector has consulted the District

Forest Officer and considered any objection he may have to its assignment. With reference to this order, the Collector of the District has issued a circular in consultation with the District Forest Officers that lands falling within 100 yards of reserved forest will not be assigned unless the District Forest Officer is consulted to find out if there is any objection from the point of view of the Forest Department. Therefore the denial, if any, is to the assignement of kumaki lands falling within 100 yards of the reserved forest and not to the kumaki right thereof.

******

Council Office, 7.
19-1-26.

Dev: Dept

tarred
station.

D. Manjayya Heggade.

DEVELOPMENT DEPARTMENT.

Draft Answer

L.C-2. No 1947.

1947. Will the hon. the Home Member pleased to state :-

(a) whether it is a fact that the Govern-nt have recently issued an order denying e "kumki" right of the landholders over lands adjoining their "warga" lands, they happen to be within 100 yards of reserve forests; and

Clauses (a) & (b).

No such order has been issued by the Govt.

Clause (a) No

HMA
14-3-26

(b) if so, the reasons for the Government der?

Clause (b). The question does not arise.

18-3-26.
19.3.26

HMA
20326

DESPATCHED
11th MAY 1926

1931

10-7-26

Starred Question.

Mr. D.Manjayya Heggade.

****

No. 1948. Will the Hon'ble the Home Member be pleased to state:

(a) whether it is a fact that the Government have recently issued an order denying the "Kumki" right of the landholders over the lands adjoining their "warga" lands, if they happen to be within 100 yards of the reserve forests; and

(b) if so, the reasons for the Government Order?

DEVELOPMENT DEPARTMENT.

A N S W E R.

Clauses (a) and (b). No such order has been issued by the Government.

Fort St. George,
10th May 1926.

V.Pandrang Row,
Secretary To Government.

To The Legislative Council Office.

The above answer has been approved by The Hon'ble Khan Bahadur Muhammad Usman Sahib Bahadur and The Hon'ble Mr.H.E.Marjoribanks,C.S.I., C.I.E., I.C.S.

*****

F O R W A R D E D.

(By order)

Rama Swami 11-5.

Superintendent.

R.K.

Rev. Dept - C No. 1082-A, 26.
Land - Adopting "Wanga" Land - Kumaki Reserve - 100 Yards limit -

Law Dept. III–8 –4,000—1-12-24.

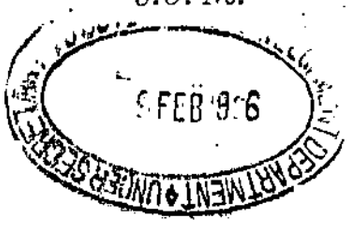
QUESTION.—No. 1947 for the next meeting of the Legislative Council to be held on the ~~192~~ D 459—I 9-2-26.

SUBMITTED that two copies of this Question may be forwarded to the Development Department.

The Question has been admitted.

10A 6.2.26.

U.O. No. , *dated* .



To

The Development Department.

Dev: Dept

To Under Secy.

Please see d.c. question in the C.f. It is a recurring question. Numerous Govt. leases issued denying the Kumiki right of the landholders over the lands adjoining their waste lands within 100 yds of reserved forests. It is not known whether the Collectors has issued any orders to this effect. The C.C. may therefore be consulted. Draft-ors is submitted. It may issue with the concurrence of Revenue.

Ms
10-2-26.
10.2.26.

Ms
10.2.26.

Dev: w.o. 459-I/26-1
10 — 2 — 26.

Revenue Dept

To Secy.

The draft memo may be accepted in Revenue.

12/2

12.2.26

S.

accepted

Dev. Dept

Rev 5 23 A
12 · 2 · '26

Rev. w.o. 523 A/26-1
15-2-26.

To Under Secy.

The draft below may now issue.

Ms
15-2-26.
15.2.26

Dev 5701
15/2/26

[Ott No 459-I/26-2, 16-2-26 from the C.C.2.] p2 c/f
[Cno 927-I from the C.C. No 1404/26-J, 13-3-26] p5-c/f

To Under Secy,

Please see C.C.'s reply at pages 5-6 c/f.

The answer to Clause (a) may be in the negative. It seems unnecessary to incorporate the additional information about the Collector's Circular in the answer to this Clause. The information ~~may be given~~ is submitted if any supplementary questions are asked about it.

A Draft answer is submitted. It may be sent to Revenue for acceptance.

18-3-26
19-3-26

S/ [illegible]
20-3-26

MA
20 3 26

Dft 2013.

Revenue no

Rev. Dept

Dev: W.O. 459-I/26-3
20 — 3 — 26.

ASSISTANT TO GOVT. REVENUE DEPARTMENT 21 MAR 1926

Rev 1082. A
22.3.26

To C.S.-

~~Your draft answer may be~~ accepted. H.M. C2 does not like the answer "the question does ~~22.3.26~~ not arise". The answer to the whole question — clauses (a) & (b) — may therefore perhaps be " No such order has been issued by the Govt"

Please see p. 2 c/f of L.C.Q. 2182 file below.

199
22.3.26

22/3 S.

Sorry I started to ~~make~~ alter your draft through it was mine I suggest that a single answer to both questions has been issued by the Govt

~~Yours~~ Yours (as) ~~Yours~~

23 MAR 1926 DEPARTMENT OF LANDS & SURVEY

Rev. u/o 1082/A/26-1 Dup Dept

22-3-26 To hear Secy

D 979 I Phase ~~Secy~~ Revenue notes on para 3-4 supra. The draft answer has been revised as suggested by Revenue Secy. The revised answer is for approval.

24-3-26

24.3.26

24/3/26

24.3.26.

C3

24/3/26.

cable 24/3 etc 2/3

Please circulate 24-3-26.

C2

What is the Kumaki rule according Revenue (not forest) practice? Answer to be sent in BE or in Telegram

25/3

24/3.

To Under Secy

The file may go to Revenue Dept for answering H.H.'s query on page 4 supra.

25-3-26.

25.3.26

28/3/26

Rev Dy

Revenue Dept.

To Under Secy.

Please see H.H's remarks on page 4 supra. "Kumaki" is not defined in B. L. O. It is explained in paras. 126-128 at pages 186-7 of G.O. 757 Rev. d 25. 8. 1902. Attention is also invited to para 2 of G.O. No. 1190 Rev. d 30. 12. 02, paras 41-42 of G.O. 982 Rev. dg. 10. 1905 (B.P. at p. 199) and pages 129-300 of the South Kanara Manual Vol. I. "Kumaki lands are Govt. waste lands lying within one hundred (formed prior to Fasli 1276) Yards of wang land over which the wang dar enjoys certain privileges of grazing Cattle, Cutting leaves, fire wood and timber for his own agricultural and domestic purposes." This may be returned to Development.

31/3/26.

S. 30/3

Dev(w.)0459-I/26-4

26 — 3 — 26.

Rev 1166-A

26-3-26

Received by S Kanara Board of Revenue & Manual

ASST. GOVT. SECRETARY 26MAR1926 REVENUE DEPART

(M)

(L) (N)

⊗ para 127 at p. 102 of S.O. (M)

A Pers of G.O. 1190 (L) 30.12.02

6

Please set out clearly exactly what "kumaki" is. The alleged "right" is, if I remember aright, only a privilege but it seems (para 12b of Flag "A") to include revenue free hakkal cultivation in certain cases. We have to consider the effect of the 1000 yds rule on this. Also what is meant by giving out enclosed kumaki on favourable rates? (para 41(b) of Flag A) What is the exact instruction given to Kumalidars when assigning?

J.N.S. 6

J.N.S.

For a definition of Kumaki please see para 2 of S.O 1190 Revd 30-12-1902 which is quoted at A on page 5 above. On another file the Secretary has accepted this definition as sufficient. The alleged right is only a privilege vide portion marked at (L) page 144 of S.O No 757 Revd 25-8-1902 and para (M) 2 of S.O 513 Revd 8-6-1906. The privilege of revenue free hakkal cultivation of Kumaki has been withdrawn and such cultivation is subject to payment of appropriate dry rates – Vide para 31 of B.P. at p 192 of S.O 757 Revd 25-8-1902 and para 4 of S.O 1190 Revd dated 30-12-1902. The Forest 1000 yds rule referred to by the

p 5 of (L)
p 8 of notes in linked file (473 4/26)

Secretary only refers to the assignment of lands falling within 100 yds of reserved forest - vide p 6 c-f - and does not seem to affect Pakkal cultivation which is only temporary cultivation for which no pattas are given and no darkhasts required - vide para 4 of G.O No 1190 Revd 30-12-1902. p 59 (L)

For orders whether a copy of the Collectors Circular may be called for and the point examined further.

Not necessary, I submit. G 1/5.

2 Para 41 (a) to (b) at page 19 of G.O No. 982 Revd 9-10-1905 has to be read with para 2 of G.O 1190 Revd 30-12-1902 (N) (L) (L) The proposal in these paras is that the kumaki lands should be assigned to the Kumakidar on payment of the lowest dry rate of the group and that where the kumakidar has enclosed more than the 100 yds to which the kumaki should be restricted the whole area should be assigned at the favourable rate of the lowest dry rate of the group. The proposal to assign kumakis was further examined in the papers printed in G.O No 513 Revd 8-6-1906 (18) and was negatived in para 1 of that G.O.

3 Under the S Kanara darkhast rules the attadar or mulgeni tenant who is entitled to kumaki privileges over any portion of the land applied for should be given preference over all other applicants to the extent of those privileges - vide modification of para 9

re para 4 to B.S.O. No 15.

198/28/4/26 The answer to Adm's query is, as at Ran p. 5 inf., that it is a privilege and a right is shown at Ran p. 6 inf.

The file may be returned to Dept. with apologies for the delay, which is being investigated.

SECRETARY TO GOVERNMENT DEVELOPMENT UNDER SECRETARY'S DEPARTMENT 5 MAY 1926

Ran wo 1166 A/26 4/5/1926

Dept. with many apologies for the delay. S 1/5

Dft

Done

Dept. Dft

The file may be submitted to Adm C2 with reference to his note at p. 4 supra

A 5.5.26

S 6/5/26

C2 6.5.26

Cis 6/5 Nw 7/5

Wm 7/5

Wm 7.5.26 to Adv.

Please see Council Proceedings extracts at page 9 ref. The papers may be docketed.

Comcis no 1208 19.8.26

Better docketed

Appeal numbers docketed 1918

1 C.2.

Kumaki rights on Wonga lands

17-8-26

17.8.26

16/8/26